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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of V. Alston et al.)

Application No.: 10/057,513)

Filed: January 25, 2002)

Conf. No.: 4325)

For: **DYNAMICALLY BRANDED
WEB SITES**)

CERTIFICATE OF MAILING PURSUANT TO 37 CFR 1.8
I hereby certify that this paper is being deposited in the United
States mail as first class [Priority] mail with postage prepaid,
and is addressed to:
Commissioner for Patents, U.S. Patent and Trademark Office,
P.O. Box 2327, Arlington, VA 22202, on

7/11/02
Date

Michelle Melendez

**PETITION UNDER 37 C.F.R. § 1.47 ACCOMPANYING
SIGNED DECLARATION FOR PATENT APPLICATION**

Commissioner for Patents
U.S. Patent and Trademark Office
P.O. Box 2327
Arlington, VA 22202

Sir:

The purpose of this Petition is to supply the missing signed declaration under 37 C.F.R. § 1.37 as to two of the three named inventors in the above-identified patent application, and to permit these two signing inventors to request filing of the application on behalf of themselves and the refusing third inventor, pursuant to 37 C.F.R. § 1.47(a).

In accordance with Section 1.47(a) and MPEP § 409.03(a), this Petition is accompanied by the "Declaration of David A. Hall in Support of Petition Under 37 C.F.R. § 1.47" and the fee set forth in 37 C.F.R. § 1.17(h). The last known address

of the non-signing inventor is provided below. The facts recounted below are supported by the accompanying Declaration of David A. Hall.

Also enclosed are substitute drawings that comply with 37 C.F.R. § 1.84.

Petition

The above-identified nonprovisional (utility) patent application (Serial No. 10/057,513 filed January 25, 2002) claims priority from U.S. Provisional Application No. 60/264,510 filed January 25, 2001. The inventors named in the utility application include Victor Alston, Eric Lo, and David Chow. The utility application was filed without a signed Declaration for Patent Application. As a result, the undersigned authorized representative of Applicants received a Notice of Missing Parts, mailed February 27, 2002.

Two of the inventors, Eric Lo and David Chow, have signed a Declaration for Patent Application. The third inventor, Victor Alston, refuses to sign. Mr. Alston is no longer employed at the offices of the assignee, BigMachines, Inc. (hereafter "BigMachines"). The Declaration for Patent Application signed by Mr. Lo and Mr. Chow accompanies this Petition.

A copy of the unsigned Declaration for Patent Application was sent to BigMachines by the undersigned representative with a letter dated March 21, 2002. A copy of that letter is attached to the Petition of David A. Hall. BigMachines informed the undersigned that Mr. Alston had left the employ of BigMachines and was refusing to

cooperate with BigMachines in its efforts to obtain Mr. Alston's signature on the Declaration.

As a result of Mr. Alston's refusal to cooperate with providing his signature on the Declaration, the undersigned representative sent a letter dated May 1, 2002 directly to Mr. Alston via Certified Mail, accompanied by a second copy of the Declaration for Patent Application. The letter was postmarked May 2, 2002 and was directed to Mr. Alston's last known address, in San Mateo, California.

The envelope containing the letter dated May 1 and the blank Declaration was returned to the undersigned by the San Mateo Post Office as "Unclaimed" mail. A photocopy of the returned envelope, showing three delivery attempts by the United States Postal Service, is attached to the Declaration of David A. Hall. These attempts are indicated as occurring on May 6, 2002, May 15, 2002, and May 25, 2002.

A second copy of the letter to Mr. Alston, with attached blank Declaration (and assignment) for his signature, was sent to Mr. Alston at his last known address on May 29, 2002 by regular First Class mail. As of the date of this Petition, no response or acknowledgement of this letter has been received from Mr. Alston.

Thus, after diligent effort, Applicants have been unable to reach Mr. Alston to obtain his signature on the Declaration for Patent Application. Therefore, in accordance with 37 C.F.R. § 1.47, the other two inventors hereby request filing of the application with their two signatures. The last known address for Vic Alston is listed below:

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Vic Alston
2751 South Norfolk Street, #212
San Mateo, California 94403

Accompanying this Petition, in response to the Notice to File Missing Parts, is the Declaration under 37 C.F.R. § 1.37 as signed by inventors Mr. Lo and Mr. Chow. Also enclosed is the processing fee set forth in 37 C.F.R. § 1.17(h). Any additional fee that may be due in connection with this paper or with this application may be charged to Deposit Account No. 50-1213.

Thus, inventors Lo and Chow hereby petition the Office to accept for filing the enclosed Declaration for Patent Application on behalf of themselves and Mr. Alston.

Respectfully submitted,

HELLER EHRMAN WHITE & MCAULIFFE LLP

By:



David A. Hall
Registration No. 32,233

Attorney Docket 37232-6067

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